

§§ 52.428–52.429

standard for as long as this area continues to meet the 2006 24-hour PM_{2.5} NAAQS.

[77 FR 28784, May 16, 2012, as amended at 78 FR 885, Jan. 7, 2013]

§§ 52.428–52.429 [Reserved]

§ 52.430 Photochemical Assessment Monitoring Stations (PAMS) Program.

On March 24, 1994 the Delaware Department of Natural Resources & Environmental Control submitted a plan for the establishment and implementation of a Photochemical Assessment Monitoring Stations (PAMS) Program as a state implementation plan (SIP) revision, as required by section 182(c)(1) of the Clean Air Act. EPA approved the Photochemical Assessment Monitoring Stations (PAMS) Program on September 11, 1995 and made it part of the Delaware SIP. As with all components of the SIP, Delaware must implement the program as submitted and approved by EPA.

[60 FR 47084, Sept. 11, 1995]

§ 52.431 [Reserved]

§ 52.432 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulation for preventing significant deterioration of air quality. The provisions of § 52.21(1)(2) and (p) are hereby incorporated and made a part of the applicable State plan for the State of Delaware.

(c) Pursuant to 40 CFR 52.21(u) full delegation of authority for all portions of the Federal PSD program, as described in 40 CFR 52.21, was relinquished to the State of Delaware as of June 15, 1981. All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, Edward Tatnall Build-

40 CFR Ch. I (7–1–13 Edition)

ing, P.O. Box 1401, Dover, Delaware 19901.

[45 FR 52741, Aug. 7, 1980, and 46 FR 31262, June 15, 1981, as amended at 47 FR 11014, Mar. 15, 1982]

EFFECTIVE DATE NOTE: At 78 FR 33984, June 6, 2013, § 52.432 was revised, effective Aug. 5, 2013. For the convenience of the user, the revised text is set forth as follows:

§ 52.432 Significant deterioration of air quality.

(a) [Reserved]

(b) Regulation for preventing significant deterioration of air quality. The provisions of 52.21(p) are hereby incorporated and made a part of the applicable State plan for the State of Delaware.

(c) All applications submitted as of that date and supporting information required pursuant to § 52.21 from sources located in the State of Delaware shall be submitted to: Delaware Department of Natural Resources and Environmental Control, Air Resources Section, Division of Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19901.

§ 52.433 Requirements for state implementation plan revisions relating to new motor vehicles.

Delaware must comply with the requirements of § 51.120.

[60 FR 4737, Jan. 24, 1995]

EFFECTIVE DATE NOTE: At 78 FR 33984, June 6, 2013, § 52.433 was removed and reserved, effective Aug. 5, 2013.

§ 52.440 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source located within the State of Delaware and for which requirements are set forth under the Federal CAIR NO_x Annual Trading Program in subparts AA through II of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan (SIP) as meeting the requirements of CAIR for PM_{2.5} relating to NO_x under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional

or unless such approval is under § 51.123(p) of this chapter.

(2) Notwithstanding any provisions of paragraph (a)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_x allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_x allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_x allowances for those years.

(b)(1) The owner and operator of each NO_x source located within the State of Delaware and for which requirements are set forth under the Federal CAIR NO_x Ozone Season Trading Program in subparts AAAA through IIII of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan (SIP) as meeting the requirements of CAIR for ozone relating to NO_x under § 51.123 of this chapter, except to the extent the Administrator's approval is partial or conditional or unless such approval is under § 51.123(ee) of this chapter.

(2) Notwithstanding any provisions of paragraph (b)(1) of this section, if, at the time of such approval of the State's SIP, the Administrator has already allocated CAIR NO_x Ozone Season allowances to sources in the State for any years, the provisions of part 97 of this chapter authorizing the Administrator to complete the allocation of CAIR NO_x Ozone Season allowances for those years shall continue to apply, unless the Administrator approves a SIP provision that provides for the allocation of the remaining CAIR NO_x Ozone Season allowances for those years.

(c) Notwithstanding any provisions of paragraphs (a) and (b) of this section and subparts AA through II and AAAA through IIII of part 97 of this chapter to the contrary:

(1) With regard to any control period that begins after December 31, 2011,

(i) The provisions in paragraphs (a) and (b) of this section relating to NO_x annual or ozone season emissions shall not be applicable; and

(ii) The Administrator will not carry out any of the functions set forth for the Administrator in subparts AA through II and AAAA through IIII of part 97 of this chapter; and

(2) The Administrator will not deduct for excess emissions any CAIR NO_x allowances or CAIR NO_x Ozone Season allowances allocated for 2012 or any year thereafter;

(3) By November 7, 2011, the Administrator will remove from the CAIR NO_x Allowance Tracking System accounts all CAIR NO_x allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_x allowances will be required with regard to emissions or excess emissions for such control periods; and

(4) By November 7, 2011, the Administrator will remove from the CAIR NO_x Ozone Season Allowance Tracking System accounts all CAIR NO_x Ozone Season allowances allocated for a control period in 2012 and any subsequent year, and, thereafter, no holding or surrender of CAIR NO_x Ozone Season allowances will be required with regard to emissions or excess emissions for such control periods.

[72 FR 62344, Nov. 2, 2007, as amended at 76 FR 48362, Aug. 8, 2011]

§ 52.441 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each SO₂ source located within the State of Delaware and for which requirements are set forth under the Federal CAIR SO₂ Trading Program in subparts AAA through III of part 97 of this chapter must comply with such applicable requirements. The obligation to comply with these requirements in part 97 of this chapter will be eliminated by the promulgation of an approval by the Administrator of a revision to the Delaware State Implementation Plan as meeting the requirements of CAIR for PM_{2.5} relating to SO₂ under § 51.124 of this chapter, except to the extent the Administrator's approval is partial or